

REMARKS

Claims 1-24 were pending in the instant application. By this amendment, applicants have amended Claims 1, 3-4, 20 and 21 and cancelled claims 22-24. Accordingly, entry of the foregoing claim amendments is respectfully requested.

Claims 1, 20 and 21 have been amended to more clearly point out and distinctly claim what the applicants regard as their invention. In particular, the location of the catheter stiffening section relative to the catheter distal end is now claimed with clarity. Even more importantly, the location of the catheter stiffening section relative to the needle hub and needle tip also now claimed with clarity.

As described in the specification at ¶¶ 0033-0034 et al., resistance to advancement of a catheter will typically be encountered when the catheter distal end is exiting the needle tip. This resistance may cause buckling of the catheter at the point where the catheter is being forced into the needle hub by the surgeon. Thus, placement of the catheter stiffening section “adjacent the needle hub when said catheter distal end is adjacent the needle tip” prevents buckling of the catheter at a location along the length of the catheter and at a point in time during a procedure when catheter buckling is a particular problem.

Based on these clarifications and this explanation, applicants believe that the claims, as they have been amended, are easily distinguished from the prior art. As such, applicants respectfully request reconsideration and withdrawal of the pending rejections.

### Claim Objections

Claim 1 was objected to under as containing a typo error in “aid”. Claim 1 has been amended to overcome this objection.

### 35 U.S.C. 102 Rejections

Claims 1, 5, 14, 15, 17-19 and 22-24 were rejected under 35 U.S.C. 102(b), as anticipated by Pande (U.S. Patent No. 4,753,565). Claim 1 has been amended such that Pande does not anticipate these claims. By amendment of Claim 1, the location of the stiffening section is now claimed as being remote from *both* the distal end and the proximal end of the catheter body. Support for this amendment is clearly disclosed in the specification of the present application. See, in particular, FIGS. 1 and 3-5 as well as ¶0033. In addition, claim 1 has been clarified by amendment to require that the *stiffening section* be located along the catheter where it, i.e. the stiffening section, is adjacent the needle hub when said catheter distal end is adjacent the needle tip. Pande has absolutely no disclosure relevant to this claim requirement.

Pande teaches a catheter having a rigid inner sheath 27 underlying outer sheath 28 from the proximal end of the catheter to the beginning of the distal tip 23. Pande lacks any teaching of a “stiffening section of a predetermined length disposed . . . a second predetermined distance distally of said proximal end”. Rather, Pande discloses a stiffening section up to and including the proximal end of the catheter. In addition, since Pande lacks any disclosure of a needle, it lacks any teaching of the stiffening section being located along the catheter where it, i.e. the stiffening section, will be adjacent the

needle hub when the distal end of the catheter is adjacent the needle tip. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 5-18 and 22-24 were rejected under 35 U.S.C. 102(b), as anticipated by Nelson (U.S. Patent No. 5,702,372). Claim 1 has been amended such that Nelson does not anticipate these claims. By the amendment of Claim 1, the location of the stiffening section is claimed as being remote from **both** the distal end and the proximal end of the catheter body. In addition, claim 1 has been clarified by amendment to require that the stiffening section be located along the catheter such that the stiffening section will be adjacent the needle hub when the distal end of the catheter is adjacent the needle tip.

Nelson teaches the use of a flexible inner liner 41 surrounded by a flexible sheath 54. Both the flexible inner liner 41 and the flexible sheath 54 extend from coupling 40 to tip 31. Nelson teaches that the entire body of the catheter is flexible. Nelson lacks any teaching of a “stiffening section of a predetermined length disposed a predetermined distance proximally of said distal end”. Nelson also lacks any teaching of a “stiffening section of a predetermined length disposed . . . a second predetermined distance distally of said proximal end”. In addition, Nelson lacks any teaching of the stiffening section being located along the catheter where it, i.e. the stiffening section, will be adjacent the needle hub when the distal end of the catheter is adjacent the needle tip. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-7, 9-15, 17, 18 and 22-24 were rejected under 35 U.S.C. 102(b), as anticipated by Quinn et al. (U.S. Patent No. 6,387,052). Claim 1 has been amended such that Quinn does not anticipate any of these claims. By the amendment of Claim 1,

the location of the stiffening section is claimed as being remote from **both** the distal end and the proximal end of the catheter body. In addition, claim 1 has been clarified by amendment to require that the *stiffening section* be located along the catheter where it, i.e. the stiffening section, is adjacent the needle hub when said catheter distal end is adjacent the needle tip.

Quinn's proximal section 100 is directly analogous to the proximal section 22 of Pande, i.e. extending from the proximal end of the catheter. In the same way as Pande, Quinn lacks any teaching of "stiffening section of a predetermined length disposed . . . a *second predetermined distance distally of said proximal end*". In addition, since Quinn lacks any disclosure of a needle, it also lacks any teaching of the *stiffening section* being located along the catheter where it, i.e. the stiffening section, will be adjacent the needle hub when the distal end of the catheter is adjacent the needle tip. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### 35 U.S.C. 103 Rejections

Claims 8, 16 and 19-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn et al. Claims 8, 16 and 19 ultimately depend from Claim 1 and claims 20-21 have been amended to include similar elements added by this amendment to Claim 1. As discussed above, Quinn does not teach "stiffening section of a predetermined length disposed . . . a second predetermined distance distally of said proximal end". Rather, the stiffening section 100 of Quinn extends up to and including the proximal end of catheter. In addition, since Quinn lacks any disclosure of a needle, it also lacks any teaching of the *stiffening section* being located along the catheter where it,

i.e. the stiffening section, is adjacent the needle hub when said catheter distal end is adjacent the needle tip. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

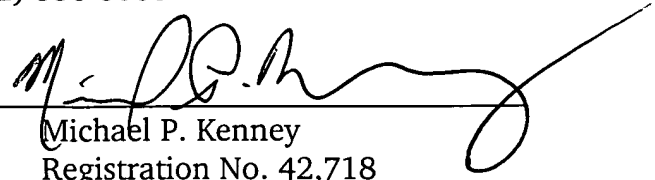
In view of the preceding amendments and remarks, applicants respectfully request that the Examiner reconsider and withdraw the various grounds of objections and rejections set forth in the May 9, 2006 Office Action, and earnestly solicit allowance of the claims current pending, namely Claims 1-21.

This Amendment is in response to a Final Office Action dated May 9, 2006. Since the two month 'first reply' date fell on Sunday, July 9 and this Amendment is being filed the following business day, it is believed that this Amendment is being timely filed within TWO MONTHS of the mailing date of the final action. In addition, it is believed that no fee is necessary in connection with the filing of this Amendment. If any fee is required to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted

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